

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, :  
 :  
vs. : DOCKET NUMBER  
 : 1:17-CR-0224-AT-1  
ALLEN J. PENDERGRASS, :  
 : ATLANTA, GEORGIA  
DEFENDANT. : OCTOBER 10, 2019

**TRANSCRIPT OF AUDIO-RECORDED PRETRIAL CONFERENCE PROCEEDINGS**

**BEFORE THE HONORABLE CATHERINE M. SALINAS**

**UNITED STATES MAGISTRATE JUDGE**

APPEARANCES OF COUNSEL:

**FOR THE GOVERNMENT:**

JEFFREY BROWN  
UNITED STATES ATTORNEY'S OFFICE

**FOR THE DEFENDANT:**

SARALIENE DURRETT  
SARALIENE SMITH DURRETT, LLC

***MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED  
TRANSCRIPT PRODUCED BY:***

***OFFICIAL COURT REPORTER: SHANNON R. WELCH, RMR, CRR  
2394 UNITED STATES COURTHOUSE  
75 TED TURNER DRIVE, SOUTHWEST  
ATLANTA, GEORGIA 30303  
(404) 215-1383***

**P R O C E E D I N G S**

**(Atlanta, Fulton County, Georgia; October 10, 2019.)**

COURTROOM DEPUTY CLERK: All rise. Court is now in session, the Honorable Catherine Salinas presiding.

THE COURT: Good morning. Y'all can be seated.

This is Case Number 1:17-CR-224. It is United States v. Allen Pendergrass. And Jeff Brown is here. Good morning.

MR. BROWN: Good morning, Judge.

THE COURT: And Saraliene Durrett.

MS. DURRETT: Good morning, Judge.

THE COURT: And Mr. Pendergrass is here also.

THE DEFENDANT: Good morning, Your Honor.

THE COURT: So we're just here on a pretrial conference.

Is there anything -- I can just run through the motions. Is there anything else?

It looks to me like what is pending is Number 90. That one is fully briefed. And I'm -- I've looked at that one. So that is Number 90, the motion to dismiss for speedy trial.

And then there's the two motions for the Rule 17 subpoenas, and I have looked at those. I'm planning to grant those.

MS. DURRETT: And we believe those also tie in with that motion 90, Your Honor.

THE COURT: Yeah. I remember that. So I'm kind of

1 hanging on to those. So I will grant those.

2 So it is a motion for a bill or particulars. And  
3 then the motion to dismiss Count 6.

4 Are those -- is the motion for a bill of particulars  
5 only to Count 6, or is it to everything?

6 MS. DURRETT: It is for everything, Your Honor. And  
7 I also filed a motion to reconsider the motion to suppress.  
8 His prior attorney had filed a motion to suppress, which was  
9 denied. And so I filed a motion to reconsider that. That is  
10 Number 132.

11 THE COURT: Right. Well, just jumping to that one, I  
12 kind of feel like that is a Judge Totenberg issue. You know,  
13 she could -- it seems like the way to do that based on how you  
14 wrote it is mostly like you would make new objections.

15 So I would just as soon do it that way and I didn't  
16 have to rewrite the R&R.

17 MS. DURRETT: Thank you, Your Honor.

18 THE COURT: So I'll let her know that that is pending  
19 and she can look at it and decide if she wants to let you do  
20 objections to the R&R.

21 Will that work?

22 MS. DURRETT: Thank you, Your Honor.

23 **(There was a brief pause in the proceedings.)**

24 THE COURT: I'll talk to her about that. I'll call  
25 her. If she says no, I'll just deny it.

1 MS. DURRETT: Thank you, Your Honor. I hope you'll  
2 read it first.

3 THE COURT: Yeah. Well, before -- well, I think --  
4 well, if she says no, I think that is a no.

5 MS. DURRETT: Thank you.

6 THE COURT: I don't think I can do it unless she  
7 wants to do it.

8 MS. DURRETT: Okay. Thank you, Your Honor.

9 THE COURT: That's what I meant. I didn't mean it  
10 that way.

11 MS. DURRETT: I know. Thank you, Your Honor.

12 THE COURT: And I'll look at it first and talk to her  
13 about it.

14 Okay. So we just have the bill of particulars and  
15 the motion to dismiss Count 6. I guess those just need a  
16 response from the Government.

17 MR. BROWN: Right, Judge.

18 THE COURT: How much time do you need?

19 MR. BROWN: Could I get three weeks?

20 THE COURT: Yes. And I guess if you want a chance --  
21 you probably want a chance to supplement your motion -- your  
22 Number 90 if you get anything good from the --

23 MS. DURRETT: I would, Your Honor.

24 THE COURT: Okay. Why don't we do three weeks for  
25 that. And then you can go ahead and reply to that -- those two

1 motions.

2 And it could be that you don't have anything to  
3 supplement; right? We don't know.

4 MS. DURRETT: Right, Your Honor, until I see.

5 THE COURT: So why don't we go ahead and get your  
6 reply week after that. What is three weeks from --

7 COURTROOM DEPUTY CLERK: That would be October 31st,  
8 which is Thursday. You want the Friday, which is the 1st?

9 THE COURT: So November 1st for the Government  
10 response.

11 COURTROOM DEPUTY CLERK: And then the 10th -- I'm  
12 sorry -- the 8th is the following week.

13 One week or two weeks for her reply?

14 THE COURT: Do you want a week or two weeks? Does it  
15 matter?

16 MS. DURRETT: Can I have two?

17 THE COURT: Yeah. So 15th?

18 COURTROOM DEPUTY CLERK: The 15th.

19 MS. DURRETT: Is that the day that I would also file  
20 any supplement to motion 90?

21 THE COURT: Yeah, that would work. That would work.  
22 If you have anything to supplement, file it by November 15th.

23 MS. DURRETT: Okay.

24 THE COURT: Why don't you -- if you don't have  
25 anything to supplement, would you just shoot Ms. Smith an

1 email?

2 MS. DURRETT: And then could I also ask just on the  
3 procedural -- for the subpoenas, will you just issue an order  
4 on the docket and then I can get the subpoenas?

5 THE COURT: Is that all we need to do?

6 MS. DURRETT: I think so. If you just issue the  
7 order, I take it up.

8 THE COURT: Can I just -- did you give me a proposed  
9 order?

10 MS. DURRETT: I think so. If I didn't, I'll send it  
11 to Angela.

12 THE COURT: That's okay. Obviously on the -- let's  
13 see. Hang on. Yeah, there is a proposed order on these.

14 We'll just sign those and document them.

15 MS. DURRETT: That's perfect.

16 THE COURT: And then when you go up there, they will  
17 already be there.

18 MS. DURRETT: Thank you.

19 THE COURT: So any supplemental will be due on the  
20 15th. And I guess based on what -- if she does file a  
21 supplemental, just let us know what you want to do in terms of  
22 if you want to respond or --

23 MR. BROWN: Will do.

24 THE COURT: We'll just take it by -- take it -- take  
25 it in stride.

1 All right. Is there anything else we need to deal  
2 with today?

3 MS. DURRETT: No, Your Honor. Thank you.

4 THE COURT: Okay. Well, I'll get those -- I'll call  
5 Judge Totenberg and ask her about this, and I will sign those  
6 two orders this morning.

7 MS. DURRETT: Thank you, Your Honor.

8 THE COURT: Okay. Thank you.

9 THE DEFENDANT: Thank you, Your Honor.

10 THE COURT: You're welcome.

11 (The audio-recorded proceedings were thereby  
12 concluded at 9:44 A.M.)

13

14

15

16

17

18

19

20

21

22

23

24

25

## C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 7 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 28th day of October, 2022.

*Shannon R. Welch*

SHANNON R. WELCH, RMR, CRR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT  
OFFICIAL CERTIFIED TRANSCRIPT